MOTION FILED
NOV 26 1986

No. 85-1835 (5)

In The

Supreme Court of the United States

October Term, 1986

STATE OF CALIFORNIA,

Petitioner,

v.

PETER ROONEY,

Respondent.

ON WRIT OF CERTIORARI TO THE
CALIFORNIA COURT OF APPEAL.

MOTION TO FILE BRIEF AND BRIEF AMICI CURIAE OF AMERICANS FOR EFFECTIVE LAW ENFORCEMENT, INC., JOINED BY THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC., THE LEGAL FOUNDATION OF AMERICA, THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION, INC., AND THE NATIONAL SHERIFFS' ASSOCIATION, IN SUPPORT OF THE PETITIONER.

(List of Counsel on Inside Front Cover)

Pandick Technologies, Inc., Chicago • (312) 236-0200

OF COUNSEL:

DAVID CRUMP, ESQ.
Counsel
Legal Foundation of America
Professor of Law
South Texas College of Law
Houston, Texas 77002

COURTNEY A. EVANS, ESQ.
General Counsel
National Sheriffs' Association
1450 Duke Street
Alexandria, Virginia 22314

DANIEL B. HALES, ESQ.
PETERSON, ROSS, SCHLOERB and SEIDEL
President,
Americans for Effective Law Enforcement, Inc.
Chicago, Illinois 60656

WILLIAM C. SUMMERS, ESQ.
Supervising Attorney,
International Association of Chiefs of Police, Inc.
13 Firstfield Road
Gaithersburg, Maryland 20878

JACK E. YELVERTON, ESQ.
Executive Director,
National District Attorneys Association, Inc.
1033 N. Fairfax Street
Alexandria, Virginia 22314

FRED E. INBAU, ESQ.
JOHN HENRY WIGMORE Professor of Law, Emeritus,
Northwestern University School of Law
Chicago, Illinois 60611

WAYNE W. SCHMIDT, ESQ.
Executive Director,
Americans for Effective Law Enforcement, Inc.
5519 N. Cumberland Avenue, #1008
Chicago, Illinois 60656

JAMES P. MANAK, ESQ.
General Counsel,
Americans for Effective Law Enforcement, Inc.
Executive Editor,
National District Attorneys Association, Inc.
33 North LaSalle Street
Suite 2108
Chicago, Illinois 60602

Counsel for Amici Curiae

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
MOTION OF AMICI CURIAE TO FILE BRIEF	iv
BRIEF OF AMICI CURIAE	1
INTEREST OF AMICI CURIAE	1
ARGUMENT	3
THERE IS NO REASONABLE EXPECTATION OF PRIVACY FOR PURPOSES OF THE FOURTH AND FOURTEENTH AMENDMENTS WITH RESPECT TO GARBAGE AND TRASH PLACED IN AN AREA ACCESSIBLE TO THE PUBLIC	3
CONCLUSION	10

TABLE OF AUTHORITIES

Cases

	Page
Hester v. United States, 265 U.S. 57 (1924)	8
Katz v. United States, 389 U.S. 347 (1967)	8, 9
Massachusetts v. Sheppard, 468 U.S. 981, 104 S.Ct. 3424 (1984)	10
Oliver v. United States, 466 U.S. 170, 104 S.Ct. 1735 (1984)	9
People v. Rooney, 175 Cal.App.3d 634, 221 Cal.Rptr. 49 (1985)	3
People v. Santistevan, 715 P.2d 792 (Colo. 1986)	9
Smith v. State, 510 P.2d 793 (Alaska 1973)	4
United States v. Harruff, 352 F.Supp. 224 (E.D. Mich. 1972)	4
United States v. Leon, 468 U.S. 897, 104 S.Ct. 3405 (1984)	10
Willis v. State, 518 S.W.2d 247 (Tex. Crim. 1975)	4
Work v. United States, 243 F.2d 660 (D.C. Cir. 1957)	9

Articles and Books

27 Environment 23, *New York Bottle Law Gets Good Returns* (October 1985)	6 - 7
28 Environment 22, *Turning Plastic Bottles Into Windbreakers* (April 1986)	6
Goleman, "To Expert Eyes, City Streets are Open Mental Wards", New York Times, November 4, 1986	5
Gross, *The Concept of Privacy,* 42 N.Y.U.L.Rev. 34 (1967)	7 - 8

LaFave, Search and Seizure (1978) 4, 9

Warren and Brandeis, *The Right to Privacy*, 4 Harv.L.Rev. 193 (1890) 8

No. 85-1835

In The
Supreme Court of the United States
October Term, 1986

STATE OF CALIFORNIA,

Petitioner,

v.

PETER ROONEY,

Respondent.

ON WRIT OF CERTIORARI TO THE
CALIFORNIA COURT OF APPEAL.

**MOTION TO FILE BRIEF
AND
BRIEF AMICI CURIAE OF
AMERICANS FOR
EFFECTIVE LAW ENFORCEMENT, INC.,
JOINED BY
THE INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE, INC.,
THE LEGAL FOUNDATION OF AMERICA,
THE NATIONAL DISTRICT ATTORNEYS
ASSOCIATION, INC.,
AND THE
NATIONAL SHERIFFS' ASSOCIATION,
IN SUPPORT OF THE PETITIONER.**

MOTION OF AMICI CURIAE TO FILE BRIEF

Come now Americans for Effective Law Enforcement, Inc., *et al.*, and move this Court for leave to file the attached brief as *amici curiae,* and declare as follows:

1. *Identity and Interest of Amici Curiae.* The *amici curiae* are described as follows:

Americans for Effective law Enforcement, Inc. (AELE), as a national not-for-profit citizens organization, is interested in establishing a body of law making the police effort more effective, in a constitutional manner. It seeks to improve the operation of the police function to protect our citizens in their life, liberties and property, within the framework of the various State and Federal Constitutions.

AELE has previously appeared as *amicus curiae* seventy-six times in the Supreme Court of the United States, and thirty-six times in other courts, including the Federal District Courts, the Circuit Courts of Appeal and various state courts, such as the Supreme Courts of California, Illinois, Ohio and Missouri.

The International Association of Chiefs of Police, Inc. (IACP), is the largest organization of police executives and line officers in the world, consisting of more than 12,600 members in 62 nations. Through its programs of training, publications, legislative reform and *amicus curiae* advocacy, it seeks to make the delivery of vital police services more effective, while at the same time protecting the rights of all our citizens.

The Legal Foundation of America (LFA), is a nonprofit corporation supporting the operations of a public interest law firm. Among other goals, it seeks to preserve a rational criminal justice system, in which adjudications of guilt or innocence are reliable rather than haphazard. The Foundation's attorneys have previously appeared as *amicus curiae* in this Court to urge this view. All litigation undertaken by the Foundation is approved by its Board of Trustees, the majority of whom are attorneys. LFA does not accept private fees and is supported by grants from the public.

The National District Attorneys Association, Inc. (NDAA), is a nonprofit corporation and the sole national organization representing state and local prosecuting attorneys in America. Since its founding in 1950, NDAA's programs of education, training, publication, and *amicus curiae* activity have carried out its guiding purpose of reforming the criminal justice system for the benefit of all of our citizens.

The National Sheriffs' Association (NSA), is the largest organization of sheriffs and jail administrators in America,

consisting of over 40,000 members. It conducts programs of training, publications, and related educational efforts to raise the standard of professionalism among the Nation's sheriffs and jail administrators. While it is interested in the effective administration of justice in America, it strives to achieve this while respecting the rights guaranteed to all under the Fourteenth Amendment.

2. *Desirability of an Amici Curiae Brief.* *Amici* are professional associations representing the interests of law enforcement agencies at the national, state and local levels. Our members include: (1) law enforcement officers and law enforcement administrators who are charged with the responsibility, *inter alia*, of obtaining and executing arrest and search warrants and making warrantless arrests and searches, and (2) prosecutors, county counsel and police legal advisors who, in their criminal jurisdiction capacity, are called upon to advise law enforcement officers and administrators in connection with such matters, and to prosecute cases involving evidence obtained thereby.

Because of the relationship with our members, and the composition of our membership and directors-including active law enforcement administrators and counsel-we possess direct knowledge of the impact of the ruling of the court below, and we wish to impart that knowledge to this Court. We respectfully ask this Court to consider this information in reaching its decision in this case.

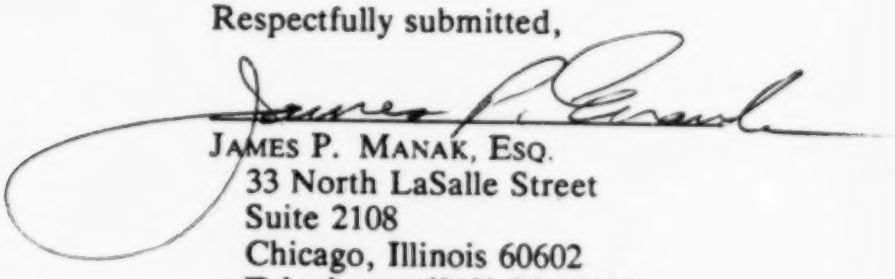
3. *Reasons for Believing that Existing Briefs May Not Present All Issues.* AELE, IACP, LFA, NDAA, and NSA are national associations, and their perspective is nationwide. This brief concentrates on policy issues, including the values served by the reasonable expectation of privacy under the Fourth Amendment, and the need to give law enforcement agencies clear guidance with respect thereto. Although Petitioner is clearly represented by capable and diligent counsel, no single party can completely develop all relevant views of such issues as these.

4. *Avoidance of Duplication.* Counsel for *amici curiae* has reviewed the Petition for Certiorari and has conferred with counsel for Petitioner in an effort to avoid unnecessary duplication. It is believed that this brief presents several issues that are not otherwise raised.

5. *Consent of Parties or Requests Therefor.* Counsel has requested consent of all parties. The consent of Petitioner has been received, and the consent has been filed with the clerk of this Court. This Motion is necessary because counsel for Respondent has not, as of the time of filing, granted consent to the *amici.*

For these reasons, the *amici curiae* request that they be granted leave to file the attached *amici curiae* brief.

Respectfully submitted,



JAMES P. MANAK, ESQ.
33 North LaSalle Street
Suite 2108
Chicago, Illinois 60602
Telephone: (312) 236-3927
Counsel for Movant Parties,
Amici Curiae

No. 85-1835

In The
Supreme Court of the United States
October Term, 1986

STATE OF CALIFORNIA,

Petitioner,

v.

PETER ROONEY,

Respondent.

ON WRIT OF CERTIORARI TO THE
CALIFORNIA COURT OF APPEAL.

**BRIEF AMICI CURIAE OF
AMERICANS FOR
EFFECTIVE LAW ENFORCEMENT, INC.,
JOINED BY
THE INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE, INC.,
THE LEGAL FOUNDATION OF AMERICA,
THE NATIONAL DISTRICT ATTORNEYS
ASSOCIATION, INC.,
AND THE
NATIONAL SHERIFFS' ASSOCIATION,
IN SUPPORT OF THE PETITIONER.**

INTEREST OF AMICI CURIAE

Americans for Effective Law Enforcement, Inc. (AELE), as a national not-for-profit citizens organization, is interested in establishing a body of law making the police effort more effective, in a constitutional manner. It seeks to improve the operation of the police function to protect our citizens in their life, liberties and property, within the framework of the

various State and Federal Constitutions.

AELE has previously appeared as *amicus curiae* seventy-six times in the Supreme Court of the United States, and thirty-six times in other courts, including the Federal District Courts, the Circuit Courts of Appeal and various state courts, such as the Supreme Courts of California, Illinois, Ohio and Missouri.

The International Association of Chiefs of Police, Inc. (IACP), is the largest organization of police executives and line officers in the world, consisting of more than 12,600 members in 62 nations. Through its programs of training, publications, legislative reform, and *amicus curiae* advocacy, it seeks to make the delivery of vital police services more effective, while at the same time protecting the rights of all our citizens.

The Legal Foundation of America (LFA), is a nonprofit corporation supporting the operations of a public interest law firm. Among other goals, it seeks to preserve a rational criminal justice system, in which adjudications of guilt or innocence are reliable rather than haphazard. The Foundation's attorneys have previously appeared as *amicus curiae* in this Court to urge this view. All litigation undertaken by the Foundation is approved by its Board of Trustees, the majority of whom are attorneys. LFA does not accept private fees and is supported by grants from the public.

The National District Attorneys Association, Inc. (NDAA) is a nonprofit corporation and the sole national organization representing state and local prosecuting attorneys in America. Since its founding in 1950, NDAA's programs of education, training, publication, and *amicus curiae* activity have carried out its guiding purpose of reforming the criminal justice system for the benefit of all of our citizens.

The National Sheriffs' Association (NSA), is the largest organization of sheriffs and jail administrators in America, consisting of over 40,000 members. It conducts programs of training, publications, and related educational efforts to raise the standard of professionalism among the Nation's sheriffs

and jail administrators. While it is interested in the effective administration of justice in America, it strives to achieve this while respecting the rights guaranteed to all under the Fourteenth Amendment.

ARGUMENT

THERE IS NO REASONABLE EXPECTATION OF PRIVACY FOR PURPOSES OF THE FOURTH AND FOURTEENTH AMENDMENTS WITH RESPECT TO GARBAGE AND TRASH PLACED IN AN AREA ACCESSIBLE TO THE PUBLIC.

The court below, *People v. Rooney,* 175 Cal. App.3d 634, 221 Cal. Rptr. 49 (1985), ruled, *inter alia,* that a common trash bin shared by apartment dwellers is comparable, for Fourth Amendment purposes, to automobiles, rather than to "open fields" or the "curtilage" of dwellings, and that, therefore, a warrantless search of such trash bin requires both probable cause and exigent circumstances.

The trash bin in question was approximately 8' x 4' x 5' and filled to capacity, and was located in a subterranean garage of a 28-unit apartment building. The officers had information from an informant that the defendant was accepting sports gambling bets at a telephone number registered to an occupant of one of the apartment units. Acting on the information, they searched the bin without a warrant, finding evidence linking the defendant to gambling offenses. The bin was filled with all manner of trash from tenants and possibly others, and the material had been thrown into one common, unsegregated mass.

The court below specifically stated that the garage and bin were accessible to the public and framed the issue before it thusly: "The issue before us is the reasonableness of defendant's expectation of privacy in a bag of trash placed in a communal trash bin located in the apartment's garage, an area accessible to the public." 175 Cal. App.3d at 641; 221 Cal. Rptr. at 53.

Amici curiae will not duplicate the case law analysis presented by the Petitioner State of California in this case, although we agree with that analysis. Instead, we will concentrate upon different issues and issues of policy that concern our law enforcement constituency.

We note, however, that the issues involved in this case could readily have been resolved by the court below by the application of several cases from courts that have dealt with the issue of abondonment, see LaFave, Search and Seizure (1978), Section 2.6 (b) and 1986 Supplement, and searches of trash containers. *See e.g., United States v. Harruff,* 352 F. Supp. 224 (E.D. Mich. 1972); *Smith v. State,* 510 P.2d 793 (Alaska 1973); *Willis v. State,* 518 S.W.2d 247 (Tex. Crim. 1975).

In *Smith v. State,* for example, the police, on suspicion that narcotics activity was taking place in a particular unit of an apartment building, searched a dumpster located next to the building and found evidence that was used to obtain a search warrant for an apartment. The *Smith* court stated in finding no violation of the Fourth Amendment:

> No attempt was made to empty the bags or boxes or to commingle their contents with the collective mess of garbage. Any person later emptying refuse in the dumpster could easily segregate the items placed therein by the Smiths. * * * [T]his dumpster accommodated several apartments. Therefore many people living in the building-and certainly the superintendent-would conceivably have occasion to look into it and scavenge about in the collective heap.

510 P.2d at 797-798.

The court further noted that, " . . . it would be reasonable to expect trash to be accidentally removed * * * by running children, passing cars, stray dogs, or even a visitor." 510 P.2d at 798.

It is submitted that *Smith* and other cases that have found no violation of the Fourth Amendment in the search of trash

containers, whether they be individual containers belonging to one person, or communal containers as in the instant case, recognize a fundamental fact of life in modern society. It is common knowledge, as recognized by these courts, that trash containers play a unique role in our society. Not only are they used for the placement *into* them of refuse and trash by large numbers of people (including many nonresidents of the houses or apartment complexes to which they are often attached, such as passers-by and other neighborhood residents), but they are commonly known to be visited by a wide array of persons, some of whom stop and rummage and remove material *out of* them: other apartment dwellers and neighbors, passers-by, curiosity seekers, itinerant trash pickers, [1] children at play, and - in increasing numbers - a distinct group that might be called "dedicated non-professional scavengers," people who for environmental, hobby, or monetary reasons collect certain forms

---

[1] For references to the common activities of the homeless mentally ill in our large cities in obtaining their daily needs from trash containers, see Goleman, "To Expert Eyes, City Streets Are Open Mental Wards," New York Times, November 4, 1986, pp. 21, 22:

> "... seen through the eyes of a mental health worker, Broadway is a very different street. The swank and style recede, and a bent old woman in a filthy coat, fishing a slice of bread from the garbage can by Zabar's, and a man wrapped in a grimy blanket, huddled on the sidewalk by Lincoln Center talking earnestly with no one, come into focus. * * *
>
> This is the Broadway polite eyes avoid, an open psychiatric ward where those with severe mental illness find asylum of sorts in a bench or doorway. Broadway, with its busy traffic and mall-like traffic islands with benches, seems to be one of those public spaces that invites the mentally ill to set up housekeeping. And what is happening there is typical of many other streets and parks in cities throughout the country. * * * The woman who had retrieved bread from the garbage can by Zabar's for instance, pulled herself into a dignified huff and marched across the street. There, she found the remains of a pizza in another garbage can."

of trash in easily accessible areas such as roads, parkways, embankments, sidewalks, alleys and ways, junk deposited in front of dwellings, trash barrels, dumpsters, and communal trash bins.

People in this latter group frequently look for specific items, such as furniture or clothing that can be sold at flea markets and garage sales, or beverage containers that can be sold to recycle firms or returned to stores for payment of cash. Indeed, whole, relatively new industries depend in part upon their efforts in rummaging through other peoples' garbage. As noted in 28 Environment 22 (April 1986):

TURNING PLASTIC BOTTLES INTO WINDBREAKERS

> The soda bottle you recycle today could turn up in the windbreaker or rug you buy next year. A textile machinery distributor, Chima, in Reading, Pennsylvania, is introducing technology developed in West Germany for converting recycled PET (polyethylene terephthalate) bottles into polyester fabric. The process produces a polyester film that can be made into carpet backing, clothes, and imitation leather. *The Plastic Bottle Reporter,* Winter.

Even in states that require bottle purchasers to pay a deposit that is returned upon bringing the container back to a store, upwards of 30% of purchasers continue to throw bottles into their trash containers, making them available for those individual scavengers who walk the ways of our communities looking for trash that can be converted into cash. As noted in 27 Environment 23-24 (October 1985), bottle return laws have been well received in states that have passed them, thus fueling the recycling industry, and yet it is clear that a substantial number of bottles are still thrown out and are available for individual scavengers:

NEW YORK BOTTLE LAW GETS GOOD RETURNS

> After its first year in operation New York's beverage container deposit law has been a success, according to the results of a state-commissioned study. *The*

> *law led to a 70 percent reduction in bottle trash,* was responsible for a 5 percent to 8 percent reduction in landfill space used, and created over 3,900 recycling-related jobs, while the price of bottled beverages has remained fairly steady. About 75 percent of New Yorkers like the law, especially because it cuts down on litter. Pro-recycling groups in California hope people in their state will take such statistics to heart, as the voters there have yet to pass a bottle bill. (See Dave McNary, "Recycling: California's Bottle Battle," October 1982.) Florida voters will also decide on the issue this year. Nine other states have beverage container laws in place. (Emphasis added) –*Sierra*, September/October.

These facts are not novel. Every apartment dweller and home owner who places trash into a trash container accessible to the public knows that periodically a substantial portion of such trash disappears before the garbage or dumpster truck arrives. It is, as noted, a fact of life accepted by most people. Indeed *amici* can assure this Court that few law enforcement agencies from among our constituencies, receive complaints against such scavengers for trespass, loitering charges, or littering charges. Most such scavengers are quick, unobtrusive, and non-littering, if they expect to return to their routine in a particular location without interference.

Amici submit, however, that there is more involved in this case than the commonly known activities of scavengers, and the commonly accepted lack of privacy in trash containers. Some have argued that privacy, at bottom, is really the way Society looks at various elements of human conduct and certain "habits of life."

> Privacy, no less than good reputation or physical safety, is a creature of life in a human community and not the contrivance of a legal system concerned with its protection. We should not be misled, therefore, in speaking of a legally recognized interest in privacy or the rights attending it. Privacy in these contexts does not exist because of such recognition, but depends only upon habits of life.

Gross, *The Concept of Privacy*, 42 N.Y.U.L.Rev. 34, 36 (1967).

Yet this Court has endeavored to formulate a legal standard for the protection of the right to privacy, an effort that was presaged by the seminal work of Warren and Brandeis, *The Right to Privacy*, 4 Harv.L.Rev. 193 (1890), and an effort that *amici* applaud as vitally necessary to the maintenance of law and order in a free society. In *Katz v. United States*, 389 U.S. 347, 351, this Court set forth the legal standard thusly: "... the Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection ..." The question of what constitutes an intrusion sufficient to constitute a search for Fourth Amendment purposes turns upon the *Katz* definition of "reasonable expectation of privacy," which has been regarded as having two elements: (1) the individual must have a *subjective expectation* that a thing or activity will be kept private, and (2) *society must objectively recognize the reasonableness of that expectation*. 389 U.S. at 361 (concurring opinion of Justice Harlan). *Cf., Hester v. United States*, 265 U.S. 57 (1924).

Amici submit, that it is time for this Court to re-examine the basic *Katz* formulation, and in particular, the requirement that "society must objectively recognize the reasonableness of that expectation." The decision of the court below flies in the face of reason. Modern realities of life would quickly convince any rational person that "society [does not] objectively recognize the reasonableness of [an] expectation" of privacy in the contents of trash containers visited by a small army of persons on a predictable basis.

Reason, common sense, and an application of the *Katz* formulation, did not prevail in the court below, and sometimes do not prevail in other courts. For example, the Supreme Court of Colorado recently held that "[A] person has a reasonable expectation that police officers will not subject his hands to an ultraviolet lamp examination to dis-

cover incriminating evidence not otherwise observable . . . " *People v. Santistevan*, 715 P.2d 792, 795 (Colo. 1986). Many equally strained applications of the *Katz* formulation can be found collected in LaFave, Search and Seizure (1978), Section 2.1(d) and 1986 Supplement.

Amici submit that many courts, such as the court below, have lost sight of the fact that, "The test of legitimacy is not whether the individual chooses to conceal assertedly 'private' activity. Rather, the correct inquiry is whether the government's intrusion infringes upon the personal and societal values protected by the Fourth Amendment." *Oliver v. United States*, 466 U.S. 170, 104 S.Ct. 1735, 1743 (1984). It is time for this Court to elevate the second aspect of the *Katz* formulation from the concurring opinion of Justice Harlan, into a clear, ***bright line*** declaration that can be followed by law enforcement officers and understood by courts and the public.

We submit that Society - the majority of those who engage in the "habits of life" common to us all, would reject the notion that a person retains a ***reasonable*** expectation of privacy in trash cast into a trash container that is accessible to the public. We further submit that Society is not "prepared to recognize as 'reasonable' " a belief that contraband or evidence of crime placed in an area accessible to the public can *EVER* be shielded by the Fourth Amendment right to privacy. We ask this Court to give a clear, forthright declaration to that effect for the guidance of law enforcement officers. It is as noted by Judge (later Chief Justice) Burger in his dissent in *Work v. United States*, 243 F.2d 660, 665 (D.C. Cir. 1957):

> Honest citizens neither need nor, I think, want protection for their privacy extended to these artificial limits . . . Of course the guilty have the same protective safeguards as the innocent and I would afford them as much. But I refuse to join in what I consider an unfortunate trend in judicial decisions in this field which strain and stretch to give the guilty, not the same, but vastly more protection than the law abiding citizen.

CONCLUSION

Amici respectfully request this Court to (1) reverse the decision of the court below on the basis of law and sound judicial policy, (2) declare that WHENEVER CONTRABAND OR EVIDENCE OF A CRIME IS PLACED IN AN AREA ACCESSIBLE TO THE PUBLIC, IT LACKS CONSTITUTIONAL PROTECTION, and (3) declare that in any event the police in this case acted in good faith within the purview of the good faith exception to the exclusionary rule recognized in *United States v. Leon,* 468 U.S. 897, 104 S.Ct. 3405 (1984) and *Massachusetts v. Sheppard,* 468 U.S. 981, 104 S.Ct. 3424 (1984).

Respectfully submitted,

OF COUNSEL:

DAVID CRUMP, ESQ.
Counsel
Legal Foundation of America
Professor of Law
South Texas College of Law
Houston, Texas 77002

COURTNEY A. EVANS, ESQ.
General Counsel
National Sheriffs' Association
1450 Duke Street
Alexandria, Virginia 22314

DANIEL B. HALES, ESQ.
PETERSON, ROSS, SCHLOERB and SEIDEL
President,
Americans for Effective Law Enforcement, Inc.
Chicago, Illinois 60656

WILLIAM C. SUMMERS, ESQ.
Supervising Attorney,
International Association of Chiefs of Police, Inc.
13 Firstfield Road
Gaithersburg, Maryland 20878

JACK E. YELVERTON, ESQ.
Executive Director,
National District Attorneys Association, Inc.
1033 N. Fairfax Street
Alexandria, Virginia 22314

FRED E. INBAU, ESQ.
JOHN HENRY WIGMORE Professor of Law, Emeritus,
Northwestern University School of Law
Chicago, Illinois 60611

WAYNE W. SCHMIDT, ESQ.
Executive Director,
Americans for Effective Law Enforcement, Inc.
5519 N. Cumberland Avenue, #1008
Chicago, Illinois 60656

JAMES P. MANAK, ESQ.
General Counsel,
Americans for Effective Law Enforcement, Inc.
Executive Editor,
National District Attorneys Association, Inc.
33 North LaSalle Street
Suite 2108
Chicago, Illinois 60602

Counsel for Amici Curiae